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Of Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PENDLETON DIVISION

SHANNA GOLDEN,
Plaintiff,

v.

FEDEX FREIGHT, INC., a foreign business
corporation, OSVALDO RIGOBERTO RUIZ,
Defendants.

Case No.

NOTICE OF REMOVAL

DEMAND FOR JURY TRIAL

TO: The Judges of the United States District Court for the District of Oregon; Clerk of Multnomah County Circuit Court of the State of Oregon; and Liz Walling, attorney for plaintiff.

Defendants give notice of removal as follows:

1. On or about December 23, 2021, an action was commenced in Circuit Court of the State of Oregon for the County of Multnomah entitled: *Shanna Golden, Plaintiff v. FedEx Freight, Inc., a foreign business corporation, and Osvaldo Rigoberto Ruiz, Defendants*, and bearing Case No. 21CV48699. A copy of the Complaint is attached hereto as Exhibit 1 and made of part of this Notice.

2. Service on defendant FedEx Freight was accomplished on or about January 4, 2022;

NOTICE OF REMOVAL

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it is believed that defendant Ruiz has not been served. A copy of the summons served on FedEx Freight is attached as Exhibit 2. No other pleadings have been filed in the state court action.

3. Thirty (30) days or less have elapsed since this action became removable to this court. 28 U.S.C. § 1446(b).

4. This action is removable based on diversity. That is, this a civil action over which this court has original jurisdiction under 28 USC § 1332, and is one which may be removed to this court by defendants pursuant to the provisions of 28 USC § 1441, in that it is a civil action wherein the matter in controversy exceeds \$75,000, exclusive of interests and costs, and is between citizens of different states or a foreign state. Neither defendant is a citizen of the state of Oregon. Defendant FedEx Freight is a Delaware corporation with its principal place of business in Arkansas. Defendant Ruiz is a citizen of Utah.

5. Plaintiff was at the time of filing of this action, and still is, a citizen of the State of Oregon.

6. Less than one year has passed since this action was commenced.

THEREFORE, Defendants give notice that the above action now pending in the Circuit Court of the State of Oregon for the County of Multnomah as Case No. 21CV48699 has been removed therefrom to this court.

DATED: January 11, 2022.

HITT HILLER MONFILS WILLIAMS LLP

By: 

Brian B. Williams, OSB No. 964594

Alison R. Barber, OSB No. 085581

Of Attorneys for Defendants

TRIAL ATTORNEY: Brian B. Williams

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21CV48699

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

SHANNA GOLDEN,)	Case No.
)	
Plaintiff,)	COMPLAINT
)	(Personal Injury – Negligence)
v.)	
)	Prayer: \$435,000.00
)	(ORS 21.160(1)(c))
FEDEX FREIGHT, INC.; and)	
OSVALDO RIGOBERTO RUIZ,)	Claim Not Subject to Mandatory
)	Arbitration
Defendants.)	
)	JURY TRIAL DEMANDED

Plaintiff Shanna Golden alleges:

1.

At all material times herein, plaintiff Shanna Golden was a resident of Union County, Oregon.

2.

At all material times herein, defendant FedEx Freight, Inc. was and is a foreign business corporation that conducts regularly sustained business activity in Multnomah County, Oregon.

3.

On information and belief and at all material times herein, defendant Osvaldo Rigoberto Ruiz was a resident of Salt Lake County, Utah.

1 4.

2 On information and belief and at all material times herein, defendant Osvaldo
3 Rigoberto Ruiz was acting in the course and scope of his employment for FedEx Freight, Inc.

4 5.

5 On December 13, 2019, plaintiff was driving north-westbound on Interstate-84 near
6 mile post 289 outside of North Powder, Oregon. At the same time, defendant Ruiz was
7 driving a semi-truck for defendant FedEx Freight, Inc. traveling some distance ahead of
8 plaintiff. Suddenly and without warning, two tires flew off defendants' semi-truck. One of
9 the tires violently struck plaintiff's vehicle causing plaintiff personal injuries.
10

11 For her FIRST CLAIM FOR RELIEF against defendants FedEx Freight, Inc. and
12 Osvaldo Rigoberto Ruiz, plaintiff Shanna Golden alleges as follows:

13 **NEGLIGENCE**

14 6.

15 Plaintiff Shanna Golden re-alleges paragraphs 1-5 as if fully set forth herein.

16 7.

17 At all times, it was foreseeable that defendants' conduct could cause serious personal
18 injuries to other motorists, including plaintiff.
19

20 8.

21 This incident and resulting damages were caused by the negligence of defendants in
22 one or more of the following particulars:
23

- 24 a) In failing to maintain control of the vehicle;
25 b) In failing to maintain the vehicle in proper working order;
26 c) In failing to inspect the vehicle before driving it on a public highway;

1 d) In driving the vehicle on a public highway when it was not in proper
2 working order; and

3 e) In driving too fast for the conditions then and there present.

4 9.

5 As a direct and proximate result of defendants' negligent acts and omissions set forth
6 herein, plaintiff Shanna Golden suffered personal injuries consisting of injuries to her jaw,
7 abdomen, left wrist, left elbow, shoulders, neck, left leg, back, chest, and post traumatic
8 stress disorder, some of which injuries may be permanent.

9 10.

10 Because of the injuries, conditions and symptoms sustained in the incident, plaintiff
11 incurred medical damages in the approximate amount of \$25,000.00, the exact amount to be
12 proven at trial. Plaintiff will also incur future medical expenses in an amount to be
13 determined at trial, but not to exceed \$50,000.00.

14 11.

15 As a result of said personal injuries, plaintiff has lost wages in the approximate
16 amount of \$60,000.00, the exact amount to be proven at trial.

17 12.

18 As a result of defendants' negligence, plaintiff suffered personal injuries that have
19 caused and will continue to cause in the future pain and discomfort and interference with
20 normal and usual activities. Plaintiff's injuries have also caused her loss of enjoyment of life.
21 For the above injuries, conditions and symptoms, plaintiff should be awarded non-economic
22 damages in an amount which a jury decides is fair, but not to exceed \$300,000.00.
23

24 ///

25 ///

1 For her SECOND CLAIM FOR RELIEF against defendant FedEx Freight, Inc.,
2 plaintiff Shanna Golden alleges as follows:

3 **NEGLIGENCE**

4 13.

5 Plaintiff Shanna Golden re-alleges paragraphs 1-5 as if fully set forth herein.

6 14.

7 At all times, it was foreseeable that defendant FedEx Freight, Inc.'s conduct could
8 cause serious personal injuries to other motorists, including plaintiff.

9 15.

10 This incident and resulting damages were caused by the negligence of defendant
11 FedEx Freight, Inc. in one or more of the following particulars:

- 12 a) In failing to maintain the vehicle in proper working order;
13 b) In failing to inspect the vehicle before it was driven on a public highway;
14 c) In failing to train defendant Osvaldo Rigoberto Ruiz in the maintenance
15 and/or use of the vehicle; and
16 d) In allowing its employee to drive its vehicle on a public highway when it
17 was not in proper working order.

18 16.

19 As a direct and proximate result of defendant FedEx Freight, Inc.'s negligent acts and
20 omissions set forth herein, plaintiff Shanna Golden suffered personal injuries consisting of
21 injuries to her jaw, abdomen, left wrist, left elbow, shoulders, neck, left leg, back, chest, and
22 post-traumatic stress disorder, some of which injuries may be permanent.

23 ///

24 ///

25 ///

17.

Because of the injuries, conditions and symptoms sustained in the incident, plaintiff incurred medical damages in the approximate amount of \$25,000.00, the exact amount to be proven at trial. Plaintiff will also incur future medical expenses in an amount to be determined at trial, but not to exceed \$50,000.00.

18.

As a result of said personal injuries, plaintiff has lost wages in the approximate amount of \$60,000.00, the exact amount to be proven at trial.

19.

As a result of defendant FedEx Freight, Inc.'s negligence, plaintiff suffered personal injuries that have caused and will continue to cause in the future pain and discomfort and interference with normal and usual activities. Plaintiff's injuries have also caused her loss of enjoyment of life. For the above injuries, conditions and symptoms, plaintiff should be awarded non-economic damages in an amount which a jury decides is fair, but not to exceed \$300,000.00.

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1 WHEREFORE, plaintiff Shanna Golden prays for a judgment in her favor against
2 defendants for past medical damages of approximately \$25,000.00, the exact amount to be
3 proven at trial; future medical damages in an amount to be determined at trial, but not to
4 exceed \$50,000.00; lost wages in the approximate amount of \$60,000.00, the exact amount to
5 be proven at trial; non-economic damages in the amount which a jury determines is fair, but
6 not to exceed \$300,000.00; pre-judgment interest; for plaintiff's costs and disbursements
7 incurred herein; and for such other relief as the Court deems just and proper.
8

9 **Plaintiff Demands Trial by Jury.**

10 DATED this 23rd day of December, 2021.

11 MAYOR LAW, LLC
12

13 /s/ Liz Walling

14 Liz Walling, OSB No. 164406

15 Travis Mayor, OSB No. 053210

16 Attorneys for plaintiff Shanna Golden
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In the Circuit Court of the State of Oregon
For the County of Multnomah

SHANNA GOLDEN,

Plaintiff,

v.

FEDEX FREIGHT, INC.; and OSVALDO
RIGOBERTO RUIZ,

Defendants.

Case No. 21CV48699

SUMMONS

To: FedEx Freight, Inc., c/o C T Corporation System, 780 Commercial St SE, Suite 100, Salem, OR 97301.

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help finding an attorney, you may contact the Oregon State Bars Lawyer Referral Service online at www.oregonstatebar.org or by calling (503)-684-3763 (in the Portland metropolitan area) or toll-free elsewhere at (800)-452-7636.


Liz Walling, OSB No. 164406

STATE OF OREGON)
) ss.
County of Washington)

I, the undersigned attorney of record for the plaintiff(s), certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.


Liz Walling, OSB No. 164406

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the first amended complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.


Liz Walling, OSB No. 164406

Post office address at which papers in the above-entitled action may be served by mail:

Liz Walling, OSB No. 164406
Mayor Law, LLC, 7157 SW Beveland St., Suite 100, Tigard OR 97223
Telephone: (503) 444-2825

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NOTICE OF REMOVAL** on:

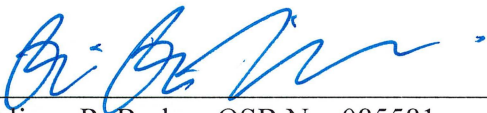
Liz Walling
Mayor Law
7157 SW Beveland Street, Suite 100
Tigard, OR 97223
Fax: 503-223-6827

Attorney for Plaintiff

by the following indicated method or methods:

- ☒ [X] by **MAILING** a full, true, and correct copy thereof in a sealed first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.
- ☐ [] by causing a full, true, and correct copy thereof to be **HAND-DELIVERED** to the attorney at the attorney's last-known office address listed above on the date set forth below.
- ☐ [] by sending a full, true, and correct copy thereof via **OVERNIGHT COURIER** in a sealed, prepaid envelope, addressed to the attorney as shown above, at the last-known office address of the attorney, on the date set forth below.
- ☒ [X] by **FAXING** a full, true, and correct copy thereof to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office, on the date set forth below. The receiving fax machine was operating at the time of service and the transmission was properly completed.

DATED: January 11, 2022.



Alison R. Barber, OSB No. 085581
Brian B. Williams, OSB No. 964594
Attorneys for Defendants

NOTICE OF REMOVAL